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EXAMINER
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ART UNIT	PAPER NUMBER
2611	24

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Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.	Applicant(s)
08/930,472	De Vos et al
Examiner	**Art Unit**
Vivek Srivastava	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 17, 2001* .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17 and 19-29* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *17* is/are allowed.

6) ☒ Claim(s) *1-16 and 19-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

1. Claims 1 - 3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 3 of U.S. Patent No. 6,240,552. Although the conflicting claims are not identical, they are not patentably distinct from each.

Considering claim 1, claim 1 in the instant application is a broad recitation of claim 1 in the patent 6,240,552. The plurality of archive storage medium units, plurality of delivery storage medium units, managing means and routing means are the same as the archive storage medium units, plurality of delivery storage medium units, managing means and routing means in claim 1 in patent in 6,240,552. The instant application discloses the additional limitation of plurality of storage medium units comprise archive storage medium units and a plurality of delivery storage medium units. It would have been obvious to include, in claim 1 of patent 6,240,552, the claimed plurality of storage medium units comprising both a archive storage medium unit and a delivery storage medium unit to consolidate space by placing both the delivery storage medium unit and the archive storage medium unit in a single storage medium. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed delivery storage medium unit to consolidate space and to provide a better organized system in claim 1 of patent 6,240,552.

Considering claim 2, claim 2 in the instant application is identical to claim 2 in patent 6,240,552.

Considering claim 3, claim 3 in the instant application is identical to claim 3 in patent 6,240,552.

Considering claim 27, claim 27 in the instant application is a broad recitation of claim 1 in patent 6,240,552. The plurality of archive storage medium units, plurality of delivery storage medium units, managing means, routing means and distribution control data are the same as the the archive storage medium units, plurality of delivery storage medium units, managing means, routing means, and distribution control data as presented in claim 1 of patent 6,240,552. The instant application discloses the additional limitation of plurality of storage medium units comprise archive storage medium units and a plurality of delivery storage medium units. It would have been obvious to include, in claim 1 of patent 6,240,552, the claimed plurality of storage medium units comprising both a archive storage medium unit and a delivery storage medium unit to consolidate space by placing both the delivery storage medium unit and the archive storage medium unit in a single storage medium. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed delivery storage medium unit to consolidate space and to provide a better organized system in cliam 1 of patent 6,240,552.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kochanski (5,512,934) in view of Gelman et al (5,341,474).

Considering claim 1, Kochanski discloses a system for serving information data over one or more channels to one or more end users (fig 4, col 7 lines 30 - 46), a plurality of storage medium units for storing information (fig 4 item 420), a managing means (met by computer in fig 4 item 412) for distribution of the information data to any one of end user devices (col 7 lines 64 - 67), wherein the managing means receives demand data relating to information data selected through at least one respective end user device (col 7 lines 46 - 65, demand met by request), wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for the end user device (col 7 line 64 - col 8 line 10, channel information met by switching to a particular feed and routing information is inherent since control information is "routed" to the particular subscriber), routing means is inherent since control data and video requested output from storage disk are "routed" and delivered to the particular subscriber (col 7 line 30 - col 8 line 15), and a managing means manages the distribution of the information data from one or more of storage medium units to an

appropriate one or more of the end user devices in accordance with a predetermined number representing a number of one or more end user devices such that the number of storage medium units utilized is increased when the number of end user devices exceeds the predetermined number (predetermined number is one, when a second viewer requests a video at a later time the viewer is coupled to another feed from another storage medium see fig 4, col 2 lines 34 - 49, col 7 lines 30 - 63). Kochanski fails to disclose the claimed wherein a plurality of storage medium units are comprised of an archive storage medium unit which contains information data and a plurality of delivery storage medium units that stores information data from archive storage medium unit as needed.

Gelman teaches by including a storage warehouse comprising an archival storage and an on-line storage for temporarily storing data from the archival storage provides **ready access** and transport to requesting destination (col 5 lines 1 - 13). It would have been obvious modifying Kochanski to include a memory comprising a archive storage medium and a delivery storage medium would provide ready access enabling faster and more efficient delivery. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kochanski to include the claimed storage medium unit comprising a archive medium storage unit and a delivery medium storage unit to provide ready access enabling faster delivery times and better system efficiency.

Regarding claim 19, claim 19 is similar to claim 1 with additional limitation wherein the managing means selects a special play mode for supplying an altered sequence of scenes to the at

least one end user device by switching channels for supplying the data information to the at least one end user device (col 4 lines 26 - 58).

4. Claims 1- 16 and 21 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten (cited by Applicant) in view of Gelman (5,341,474).

Considering claim 1, Voeten discloses the claimed one or more storage means (col 12 line 55 - col 13 line 5, see plurality of storage buffers), a managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for at least one end user device, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently included for routing signals in ATM network, col 8 lines 20-27), the claimed managing means manages the distribution of the information data from one or more of said storage medium units to an appropriate one or more of the end user devices in accordance with a predetermined number representing a number of one or more end user devices such that the number of storage medium units utilized is increased when the number of end user devices exceeds the predetermined number (col 12 line - col 13 line 5, predetermined number is 1, as the number of user's requesting a video increases over 1, the number of buffers required also increases). Voeten fails to disclose the claimed wherein a plurality of storage medium units are comprised of an archive storage medium unit which contains information data and a plurality of

delivery storage medium units that stores information data from archive storage medium unit as needed.

Gelman teaches by including a storage warehouse comprising an archival storage and an on-line storage for temporarily storing data from the archival storage provides **ready access** and transport to requesting destination (col 5 lines 1 - 13). It would have been obvious modifying Voeten to include a memory comprising a archive storage medium and a delivery storage medium would provide ready access enabling faster and more efficient delivery. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium unit comprising a archive medium storage unit and a delivery medium storage unit to provide ready access enabling faster delivery times and better system efficiency.

Considering claim 2, Voeten discloses the claimed routing means comprises at least one ATM switch (switch is inherently included for routing signals in ATM network, col 8 lines 20-27),

Considering claim 3, Voeten discloses the claimed information data are video and/or audio data (col. 1 lines 1-7).

Considering claim 4, Voeten discloses the claimed demand data include a public address assigned to the selected information data (col. 2 line 49 - col. 3 line 5, col. 4 line 52 - col. 5 line 3).

Considering claim 5, Voeten discloses the claimed control means (col. 4 line 52 - col. 6 line 20).

Considering claim 6, Voeten discloses the claimed management means provide program data for the operation of visual display of information data (fig. 1, DSC).

Considering claim 7, Voeten discloses the claimed managing means (col. 2 line 1 - col. 3 line 5, program data is met by managing means sending message to memory for retrieval of data for transmission to user end).

Considering claim 8, Voeten discloses the claimed information retrieval comprises video on demand (col. 6 lines 29-44).

Considering claim 9, Voeten discloses the claimed second storage medium (col. 2 line 1 - col. 6 line 20).

Considering claim 10, Voeten discloses the claimed memory means, program memory means, control means and at least one interface (col. 2 line 1 - col. 6 line 13, col. 7 lines 26-52, col. 10 lines 12-37).

Considering claim 11, Voeten discloses the claimed routing information relates to one or more virtual channels and interface is an ATM interface (col. 8 lines 7-27).

Considering claim 12, Voeten discloses the claimed interface receives control data representing a selected operation mode for the end user device and wherein the controller controls the memory means according to the received control data so that the information data are

reproduced form the memory means in the selected operation mode (col. 3 line 19 - col. 6 line 52).

Considering claim 13, Voeten discloses the claimed operation mode comprises still mode, fast forward mode, reverse mode and/or mosaic mode (col. 6 lines 45-52).

Considering claim 14, Voeten discloses the claimed video and/or audio data is divided in a predetermined number of data groups, the predetermined number of data groups is recorded in a sequence different from the original sequence on a recording medium in a storage medium unit and wherein routing means delivers continuous video and/or audio data to the end user device by switching data groups from one or more storage medium units to one or more end user devices (col. 3 line 19 - col. 6 line 20).

Considering claim 15, Voeten fails to disclose the claimed recording medium is an agile disk and wherein a first portion of data group is recorded on every N-th track, and the remaining portions of data groups are recorded on remaining tracks of the disk.

Voeten discloses a recording medium. The Examiner takes Official Notice that recording a first portion of data on every N'th track and the remaining portions on remaining tracks would have provided a quick efficient means of retrieving information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include recording on an agile disk to provide a quick efficient means of retrieving information.

Considering claim 16, Voeten fails to disclose the claimed first portion of data groups is reproduced by moving a head in a first direction and the remaining portion of the data groups is reproduced by moving the head in a second direction opposite to the first direction.

The Examiner takes Official Notice that moving a disk head in two directions would have been a well known means of efficiently reproducing two groups of data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include moving the disk head in two directions to provide a more efficient data reproducing system.

Considering claim 21, Voeten fails to disclose the claimed navigation means for providing in a predetermined sequence menus which describe information data.

The Examiner Takes Official Notice that it including a navigational means, or a menu, would have been a well known user friendly means for providing additional information to a viewer. For example, in the television art, using interactive menus in a predetermined sequence provides a viewer with additional detailed information regarding a television program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide a user friendly system for providing additional information to a viewer.

Considering claim 22, Voeten fails to disclose the claimed navigational means outputs to a respective end user device a software program for driving respective end user device to select menus in accordance with predetermined sequence.

The Examiner Takes Official Notice that it would have been well known in the art to provide a navigational means as claimed to provide additional information for a viewer in the form of menus. For example, in the television art, software within settop boxes provide driving program menus to be displayed on a television. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide the viewer with additional detailed information.

Considering claim 23, Voeten discloses the claimed distribution control data is in the form of a software program; wherein managing means downloads software program to respective storage medium unit (col. 2 line 1 - col. 3 line 53).

Considering claim 24, Voeten fails to disclose the claimed one or more storage medium units include a delivery storage medium unit for storing information data selected through the respective end user.

The Examiner Takes Official Notice that it would have been well known in the art to include a storage medium for storing information data selected through a respective end user to provide an accurate record of the distribution of information for billing and accounting purposes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium.

Considering claim 25, Voeten fails to disclose the claimed storage medium units include a delivery storage medium unit for storing information data selected through the respective end user.

The Examiner Takes Official Notice that it would have been well known in the art to include a delivery storage medium for storing information data selected through a respective end user to provide an accurate record of the distribution of information for billing and accounting purposes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed delivery storage medium.

Considering claim 26, Voeten discloses the claimed wherein one or more storage medium units store the information data according to the predetermined number (if the number of users is greater than 1 a buffer memory stores data for second user).

5. Claim 20 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten in view of Gelman (5,341,474) and Florin et al (5,621,456).

Considering claim 1, Voeten discloses the claimed one or more storage means (col 12 line 55 - col 13 line 5, see plurality of storage buffers), a managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for at least one end user device, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently included for routing signals in ATM network, col 8 lines 20-27), the claimed managing means manages the distribution of the information data from one or more of said storage medium units to an appropriate one or more of the end user devices in accordance with a predetermined number representing a number of one or more end user devices such that the number of storage medium units utilized is increased when the number of end user devices exceeds the predetermined number (col 12 line - col 13 line 5, predetermined number is 1, as the number of user's requesting a video increases over 1, the number of buffers required also increases). Voeten fails to disclose (1) the claimed wherein a plurality of storage medium units are comprised of an archive storage medium unit which contains information data and a plurality of delivery storage medium units that stores information data from archive storage medium unit as needed and (2) wherein managing means selects the play mode for supplying a mosaic of scenes to at least one end user device by selecting scenes from different channels

Regarding (1), Gelman teaches by including a storage warehouse comprising an archival storage and an on-line storage for temporarily storing data from the archival storage provides **ready access** and transport to requesting destination (col 5 lines 1 - 13). It would have been obvious modifying Voeten to include a memory comprising a archive storage medium and a delivery storage medium would provide ready access enabling faster and more efficient delivery. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium unit comprising a archive medium storage unit and a delivery medium storage unit to provide ready access enabling faster delivery times and better system efficiency.

Regarding (2), Florin discloses providing a mosaic of scenes from different channels to provide a viewer with a summary of the available programming (fig 33, col 20 line 35 - col 21 line 15). It would have been obvious supplying a mosaic of scenes from different channels in Voeten would have provided a summary of scenes from different channels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed supplying the mosaic of scenes to provide a viewer with important information like a summary of scenes from different channels thus provide a user with an easier more efficient means for selecting a channel.

6. Claims 27 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten in view of Gelman (5,341,474) and Coverston et al (5,504,883).

Considering claim 27, Voeten discloses the claimed one or more storage means, a managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for at least one end user device, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently included for routing signals in ATM network, col 8 lines 20-27). Voeten fails to disclose claimed (1) wherein a plurality of storage medium units are comprised of an archive storage medium unit which contains information data and a plurality of delivery storage medium units that stores information data from archive storage medium unit as needed and (2) distribution control data further includes backup control data for assigning one of one or more storage medium units to supply the selected data when another of one or more storage medium units for supplying the selected information data is malfunctioning.

Regarding (1), Gelman teaches by including a storage warehouse comprising an archival storage and an on-line storage for temporarily storing data from the archival storage provides **ready access** and transport to requesting destination (col 5 lines 1 - 13). It would have been obvious modifying Voeten to include a memory comprising a archive storage medium and a delivery storage medium would provide ready access enabling faster and more efficient delivery. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium unit comprising a

archive medium storage unit and a delivery medium storage unit to provide ready access enabling faster delivery times and better system efficiency.

Regarding (2), Coverston teaches the importance of backing control data into a secondary storage system control file to provide reliable and efficient recovery in the event a computer processing system stops (col 1 lines 18 - 25, col 3 lines 55 - 67). It would have been obvious including backup control data for assigning one or more storage medium units in Voeten would ensure a user would receive the selected information even when a storage medium is malfunctioning or if a memory stops working. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Voeten to include the claimed limitation to ensure the delivery of selected information even if a storage medium is malfunctioning.

Considering claim 28, Voeten fails to disclose wherein one or more storage medium units store the information data according to backup control data.

It would have been obvious to include back up control data for storing in a backup memory in Voeten (claim 27). It would have been obvious to store the backup data in accordance with backup control data in a storage medium unit to provide backup data in case the first main memory containing the data malfunctions. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide a storage medium unit storing the backup data in case the first main memory malfunctions.

Considering claim 29, Voeten fails to disclose the claimed wherein managing means manages distribution of the information data according to the backup control data.

It would have been obvious to include back up control data and a backup memory in Voeten (claim 27). It would have been obvious to further include a managing means in Voeten to manage or control the distribution of the backup data to the backup memory means in accordance to the backup control data. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify Voeten to include the claimed managing means to provide backup control data for managing the distribution of the backup data to the backup control means to provide backup data in case the first main memory means malfunctions.

Allowable Subject Matter

7. Claim 17 is allowed.

Response to Arguments

Applicant's Arguments / Examiner's Responses

The Applicant's argue that in Kochanski the storage mediums utilized already contain information data and does not store data from another storage medium as recited in the claims as amended. The Examiner concurs with Applicant's findings, however, it would have been obvious

to one having routine skill in the art to modify Kochanski to include this feature. Please see above rejection.

The Applicant's argue that Voeten fails to disclose increasing the number of hard disk arrays (SMU's) as the number of user stations exceed a predetermined number and that Voeten uses a predetermined number of hard disk arrays which already have the information stored thereon, whereas, in Applicant's invention, the number of delivery SMU's increases when the end user devices exceed a predetermined number and only these delivery SMU's store information data from the archive SMU.

The Examiner concurs with Applicant's that Voeten discloses a predetermined number of arrays. As admitted by Applicant's, Voeten discloses assigning each buffer to a specific call corresponding to channel for a user station. In Voeten, as the number of users increase, the number of hard disk arrays needed also increase. Applicant's claim 1 recites "...such that the number of delivery storage medium units utilized is increased when the number of end user devices exceeds the predetermined number". Giving this limitation the broadest interpretation, simply the number of storage medium units is increased as the number of end user devices exceeds a predetermined number. Voeten reads on this claimed limitation. The number of disk arrays needed are in direct proportion to the number of end user devices. Essentially, with each user station added, a hard disk array is also needed. If a single end user device is utilized in the system a single disk array is needed. For every end user device added, a corresponding disk array is also

added. Thus the predetermined number is "one". As a result, the Applicant's arguments are not persuasive.

The Applicant's arguments regarding claims 20 and 27 are the same as for claim 1. As a result, the Examiner' directs the Applicant's to Examiner's response provided for claim 1.

The Applicant's arguments regarding all the dependent claims being allowable because of being dependent on a allowable base claim are moot since the base claims remain rejected.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seazholtz et al. - Transaction implementation in video dial tone network

Kostreski et al. - Digital entertainment terminal with channel mapping

Strauss et al. - Intelligent network having digital entertainment terminal

Bingham et al. - Access subnetwork controller for video dial tone networks

Kelles - Process control system with backup process controller

Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 12/27/01

VIVEK SRIVASTAVA
PATENT EXAMINER